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# Suggestions for Transaction of Properties with Underground Storage Tanks (USTs)

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Hazardous Waste Program guidance document

10/2003

The Missouri Department of Natural Resources recommends that property containing underground storage tanks (USTs) receive an environmental audit including soil sampling prior to transaction.

There are two basic questions when a property contains USTs. First, is the facility presently in compliance with UST rules? Second, does the facility have a release that may not be obvious on the surface to the casual observer?

If the facility is operating, it must comply with registration, leak monitoring and financial responsibility requirements. Upgrading to comply with tank construction standards is required by Dec. 22, 1998.

If the USTs are not in service, the Department's UST Closure Guide contains the information necessary to properly handle the USTs.

Determining whether the facility had a release is more complicated. One way to answer this question is to collect and analyze soil samples.

The UST Closure Guide can help. It is written from the perspective of permanent closure, and contains information on: where to sample, what to analyze the samples for, and how to properly conduct closure of the UST.

Potential buyers of real estate containing USTs are encouraged to retain the services of a professional consultant experienced in these types of audits. A new owner may become liable for anything on the property.

The Department of Natural Resources cannot provide any guidance on liability beyond that provided in the statute. If you have questions concerning liability, we suggest consulting an attorney with experience in real estate and environmental matters.

The rules for USTs are published in Title 10, Division 20, chapters 10, 11, 12, and 13 of the Code of State Regulations. These rules are based upon statutory authority contained (in part) in Sections 319.100 through 319.139, of the Revised Statutes of Missouri.

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The guidance documents available from the department include the following topics: closure, site characterization, and corrective action.

Copies of the statute and rules are available by calling the Missouri Secretary of State's office at (573) 751-4015. Registration forms are available for the cost of reproduction at (573) 751-6822.

Send inquiries to

Missouri Department of Natural Resources  
Hazardous Waste Program  
P.O. Box 176, Jefferson City, MO 65102-0176  
1-800-361-4827 or (573) 751-6822  
(573) 526-8922 fax  
[www.dnr.mo.gov/alpd/hwp](http://www.dnr.mo.gov/alpd/hwp) Program Home Page